

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

DEAN H. FRALIX,

Plaintiff,

v.

CSX TRANSPORTATION, INC.

Defendant.

C/A No.: 1:20-cv-2939-JMC

**ORDER**

This matter comes before the Court on the Plaintiff's Motion to Remand. Plaintiff has presented a signed Irrevocable Stipulation of Damages to the Court which represents that Plaintiff's total damages including actual damages, punitive damages, and any available statutory damages do not exceed \$74,999.00. Plaintiff has also stipulated that he will not at any time attempt to amend his Complaint to seek any amount of damages in excess of \$74,999.00, and that if a verdict or judgment is entered in excess of \$74,999.00, that he will not attempt to recover the excess amount and will agree to remittitur of the verdict to the amount of \$74,999.00. As such, the stipulation binds Plaintiff to collect no more than \$74,999.00 and clarifies Plaintiff's Complaint, which asserts an indeterminate amount of damages. *See Stanley v. Auto-Owners Ins. Co.*, 423 F. Supp. 3d 225 (D.S.C. 2019). Accordingly, the jurisdictional threshold for diversity jurisdiction does not exist in this case. Counsel for the Defendant has consented to the motion.

Based on the foregoing, the Court **GRANTS** Plaintiff's Motion to Remand and **REMANDS** this action to the Allendale County Court of Common Pleas.

**IT IS FURTHER ORDERED** that the district court clerk is hereby directed to send the Order to the Allendale County Court of Common Pleas and provide copies to counsel.

**IT IS SO ORDERED.**

Columbia, South Carolina  
September 24, 2020

s/J. Michelle Childs  
J. Michelle Childs  
United States District Judge